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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,592	03/24/2004	Gregory C. Franke	200314727-1	3635
22879	7590	05/30/2006	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			MITCHELL, KATHERINE W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/807,592	<b>Applicant(s)</b> FRANKE ET AL.	
	<b>Examiner</b> Katherine W. Mitchell	<b>Art Unit</b> 3677	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see below. (See 37 CFR 1.116 and 41.33(a)).

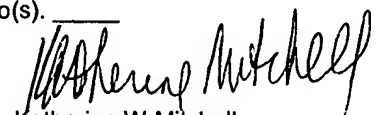
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☒ Newly proposed or amended claim(s) 19 through 26 would be allowable if entered would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 9-18.  
Claim(s) objected to: 20 and 21.  
Claim(s) rejected: 1-8, 19, 22-26 and 32.  
Claim(s) withdrawn from consideration: 31.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

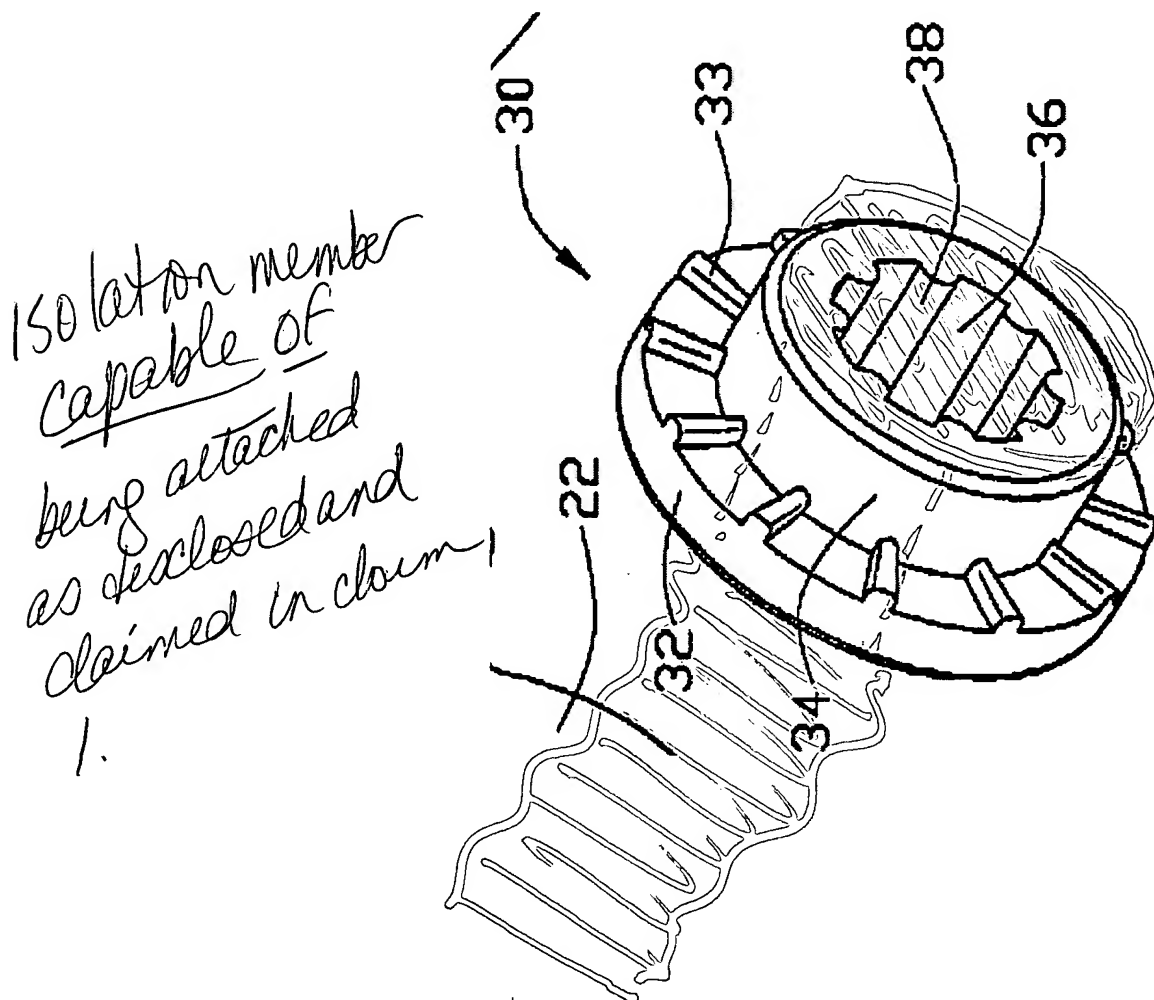
**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

  
Katherine W Mitchell  
Primary Examiner  
Art Unit: 3677

**Continuation of 11:** Claim 1 does not include all the required limitations of claim 20, see below.

**Continuation of 3: NOTE:** Claim 20 was noted as allowable in that it included all the limitations of claim 19, which positively recites and requires a storage media drive with an outer housing that defines the end of the drive, and fasteners that ARE, not could be, mounted to the ends of the drive. This further limits what the drive cage and drive cage slot can be, as the drive housing must correlate to the drive itself. As noted in the previous action, claim 1 is specifically worded to claim only a fastener comprising an isolation member -- no structure of the drive, drive cage, fastener other than isolation member, are claimed or required. Note in particular Lin Fig 1 - isolation member 30 is CAPABLE of having a threaded shank with a head inserted as drawn below:



Similar drawings are possible for Antoine and Sihon - and applicant has not required the other structure, only the ability to allow such structure. The April 2006 office action clarified:

*Response to Arguments*

Applicant's arguments filed 2/2/2006 regarding rejections over Sihon, Antoine, or Lin have been fully considered but they are not persuasive. Applicant argues that "adapted to" imparts structural limitations, not just intended use. Examiner's structure is capable of fitting within a slot of indeterminate and unclaimed size and abutting a surface of some orientation and size, also not claimed. Applicant clearly claims "A fastener", not a storage drive including a fastener. A fastener does not include a storage media drive, a drive cage, or a slot, and thus these are dependent on the intended use of the fastener structure. The "adapted to" statement does not define any structure and accordingly cannot serve to distinguish.

Applicant argues that Sihon, Antoine, or Lin is not "sized and configured" to fit in {an unclaimed} drive cage slot. How does one know the size of the unclaimed slot? Surely drive cage slots in mainframes of the 1960's are of different size than those of 2006, which are likely different than those which may be present in 2016. Applicant appears to want the limitations of the drive cage slot and surface without the limitation of requiring the drive cage slot and surface, which is impermissible.

**Continuation of 13: other** examiner cited MPEP 2173.05(i) Negative Limitations in the previous action, and repeats the most relevant statement -- *Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See In re Johnson, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983), aff'd mem., 738 F.2d 453 (Fed. Cir. 1984). **The mere absence of a positive recitation is not basis for an exclusion.** Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.*

Examiner notes that applicant used the open term "comprising", and thus additional features not specified could be included. Numerous limitations were not disclosed or shown, but this does not mean that anything not explicitly described or shown can be explicitly prohibited in the claims.



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(12) **United States Patent**  
**Antoine et al.**

(10) **Patent No.:** **US 6,227,784 B1**  
(45) **Date of Patent:** **May 8, 2001**

(54) **FASTENER ASSEMBLY WITH VIBRATION ISOLATING FEATURES**

(75) **Inventors:** **Darren B. Antoine**, South Elgin;  
**James R. Zwick**, Lemont; **Stephen M. Yob**, Libertyville, all of IL (US)

(73) **Assignee:** **Federal-Mogul World Wide, Inc.**,  
Southfield, MI (US)

(\*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** **09/375,735**

(22) **Filed:** **Aug. 17, 1999**

(51) **Int. Cl.<sup>7</sup>** ..... **F16B 21/18; F16B 33/00**

(52) **U.S. Cl.** ..... **411/369; 411/11; 411/353; 411/544; 411/999**

(58) **Field of Search** ..... **411/107, 352, 411/353, 10, 11, 970, 999, 544, 369**

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**Primary Examiner**—Neill Wilson

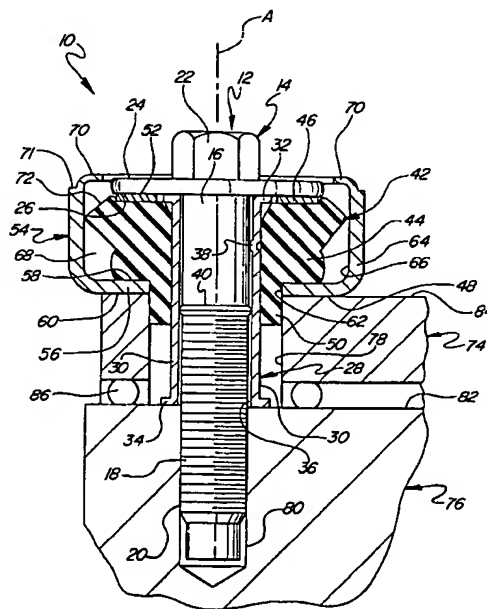
(74) **Attorney, Agent, or Firm**—Reising, Ehtington, Barnes, Kisselle, Learman & McCulloch P.C.

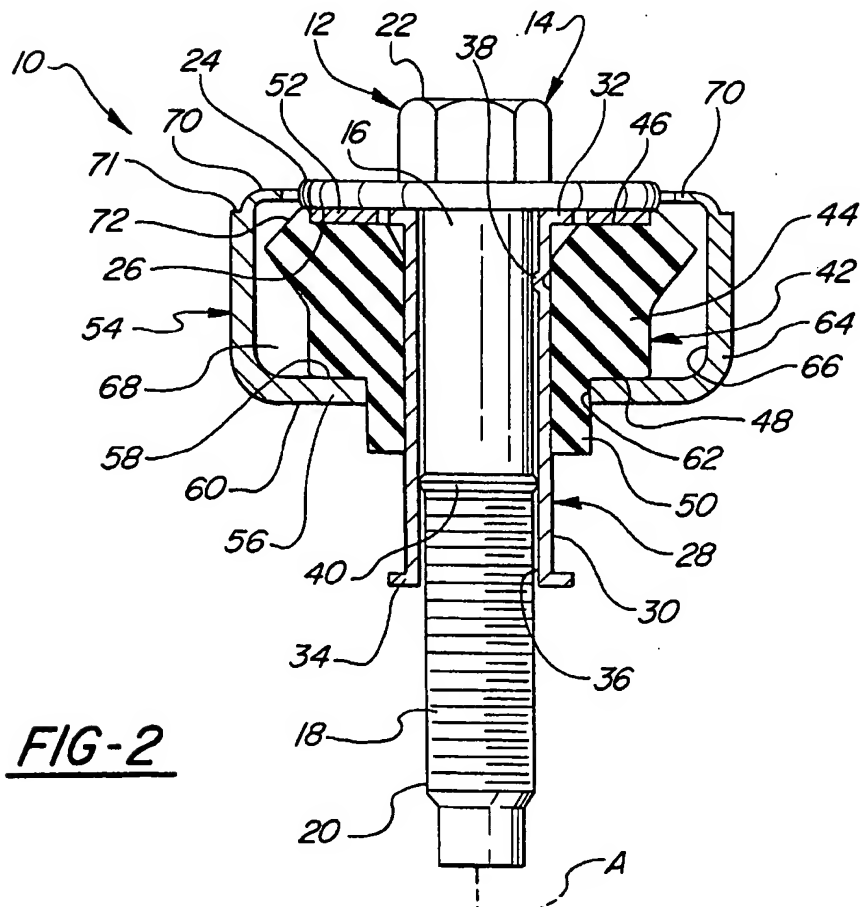
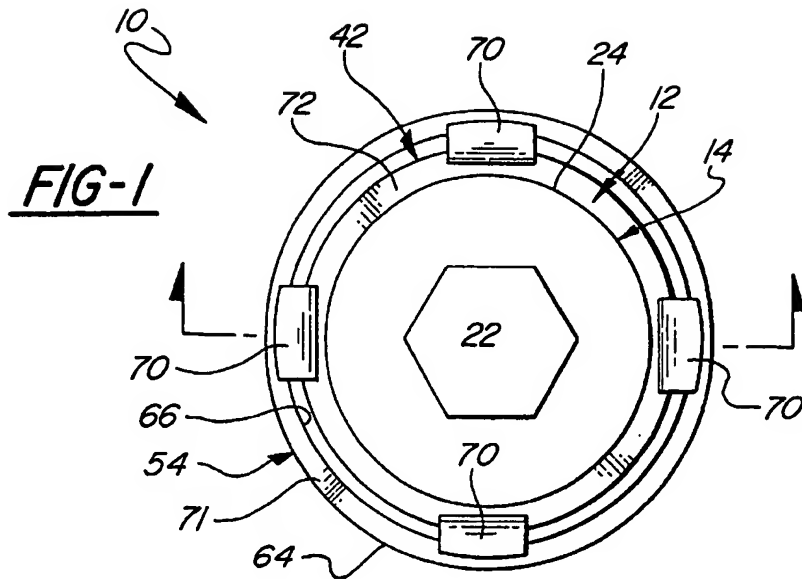
(57)

**ABSTRACT**

A multi-part vibration isolating fastener assembly includes a bolt having a threaded shank and a head about which a sleeve and resilient grommet are disposed. A cup washer is disposed about and captured axially on the grommet to provide a unitized assembly. The integrated cup washer defines a self-contained cup-shaped socket to provide proper support and containment for the grommet in applications where the usual cup-shaped grommet wall is lacking in the components to be assembled, such as a valve cover, and cylinder head.

**10 Claims, 2 Drawing Sheets**







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**United States Patent** [19][11] **Patent Number:** 5,397,206

Sihon

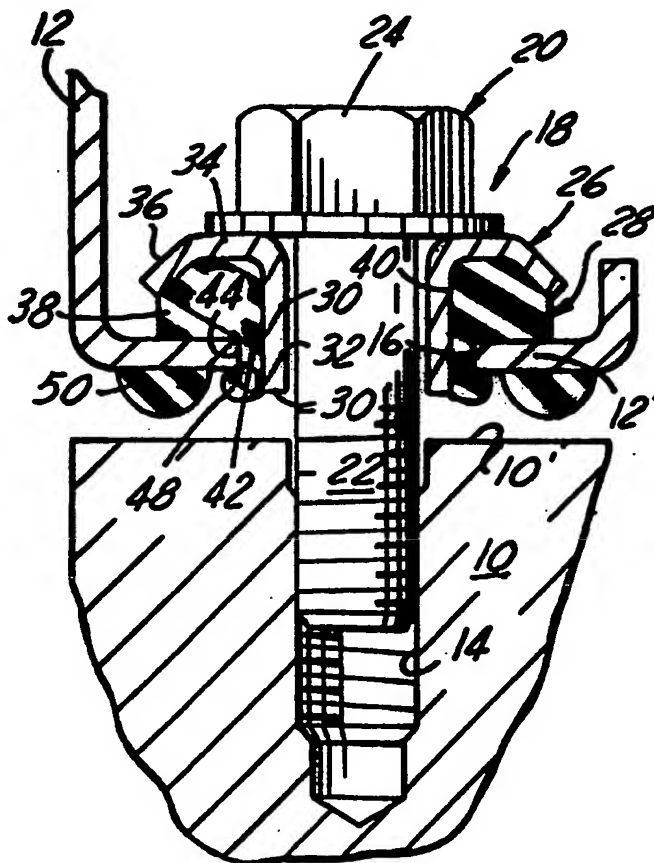
[45] **Date of Patent:** Mar. 14, 1995[54] **VIBRATION ISOLATING FASTENER**[75] **Inventor:** Tanas M. Sihon, Monroe, Mich.[73] **Assignee:** Chrysler Corporation, Highland Park, Mich.[21] **Appl. No.:** 213,281[22] **Filed:** Mar. 15, 1994[51] **Int. Cl.<sup>6</sup>** ..... F16B 33/00; F16B 43/02[52] **U.S. Cl.** ..... 411/544; 411/44;  
411/542; 411/369; 411/970[58] **Field of Search** ..... 411/41, 44, 69, 107,  
411/542, 544, 907, 908, 970, 369; 285/162, 196,  
338, 49[56] **References Cited****U.S. PATENT DOCUMENTS**

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5,094,579	3/1992	Johnson	411/970 X

*Primary Examiner*—Neill R. Wilson*Attorney, Agent, or Firm*—Kenneth H. MacLean[57] **ABSTRACT**

A multi-part fastener assembly for attaching a first apertured member such as a valve cover to a second member such as a cylinder head, comprising an elongated threaded fastener, a tubular sleeve encircling the threaded fastener, and a rubber grommet encircling the sleeve. The grommet's outer surface is cylindrical for facilitating its insertion through the valve cover's aperture. However, a bead formation created on the grommet's inner surface is engaged upon insertion of the sleeve member through the grommet to cause the lower edge portion of the grommet to be biased radially outward in a manner which secures the sleeve and grommet in the aperture. In addition, the sleeve's upper end portion has a surface extending obliquely to the axis of the sleeve so that when pressed against the grommet by tightening of the fastener the rubber grommet material is distorted outwardly. Further tightening of the fastener seats the lower end of the sleeve member against the associated cylinder head to limit the stress imposed upon the rubber grommet by the sleeve.

2 Claims, 1 Drawing Sheet



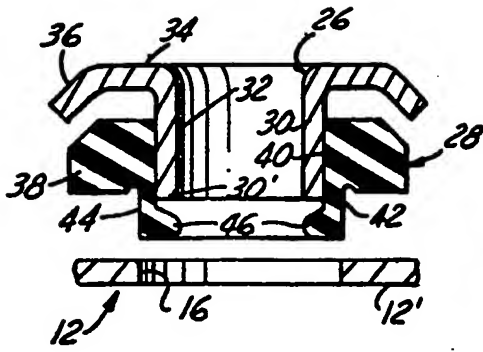


FIG. 1

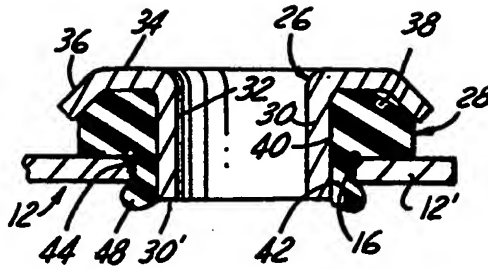


FIG. 2

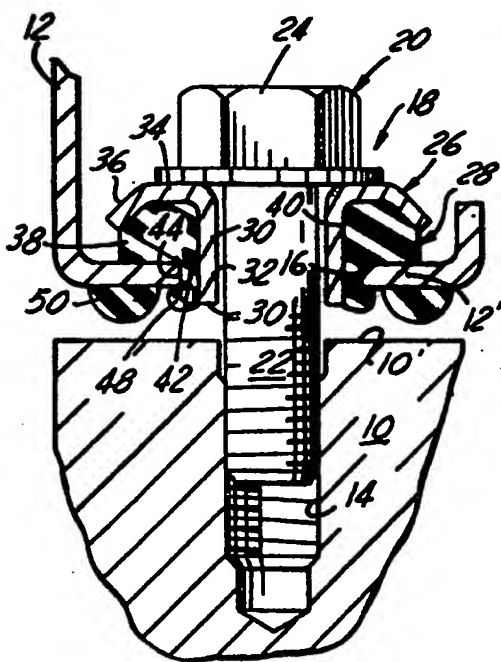


FIG. 3

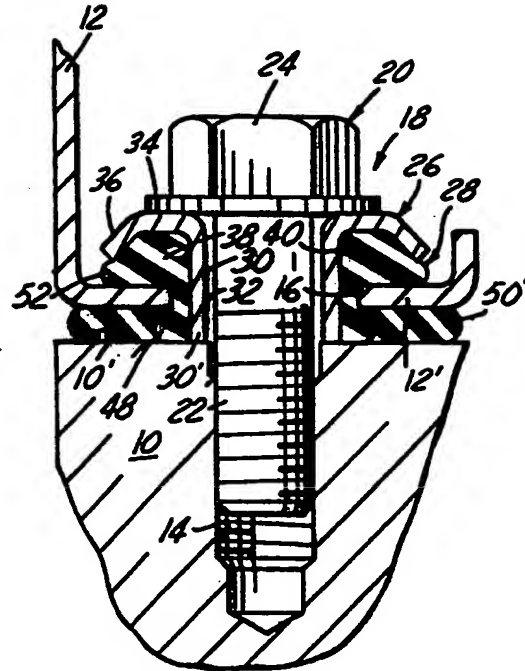


FIG. 4